

## PUBLIC NOTICE

The South Platte Natural Resources District will hold a regular public meeting on December 9, 2008 at the Western Nebraska Community College, Room 115, Sidney, Nebraska, at 7:00 p.m. An agenda of the matters to be considered at such date, time and place is kept continually current and is available for public inspection during normal business hours at the South Platte NRD Office, 551 Parkland Drive, Sidney. Any person with disabilities who needs help in participating in the meeting should contact the District office (telephone (308) 254-2377) before the meeting.

## FINAL AGENDA

1. Call to Order - Cheryl Burkhart-Kriesel, Vice Chair
  - A. Nebraska Open Meetings Act
  - B. Legal Notices
2. Minutes
  - A. Minutes of the November 12, 2008 meeting of the Board of Directors
  - B. Minutes of the November 12, 2008 meeting of the District Operations Committee
  - C. Minutes of the November 10, 2008 meeting of the Natural Resources/Projects & Programs Committee
3. \*Treasurer's Report For November 2008 and Accounts Payable
4. Public Questions, Comments and/or Concerns
5. \*Fiscal Year 2008 Audit Report - Rauner & Associates, P.C.
6. Update on the HEM (Aerial Geophysical) Survey - Jim Cannia, USGS and Jared Abraham, USGS
7. Director and Staff Reports
8. Agency Reports
  - A. USDA-Natural Resources Conservation Service (NRCS)
    1. NRCS Report - Kristin Miller, DC-NRCS
  - B. Nebraska Association of Resources Districts (NARD)
    1. NARD Report - Johnson
    2. NARD 2009 Legislative conference, January 26-28, 2009, Lincoln, NE - Horn
    3. \*Voting Delegate and Alternate for 2009 NARD Legislative Conference
  - C. Panhandle Resource Conservation and Development (PRC&D)
    1. PRC&D Report - Burkhart-Kriesel
  - D. Nebraska Department of Natural Resources (NDNR)
    1. NDNR Report

9. Committee Reports
  - A. Natural Resources/Projects & Programs Committee - Hutchison, Chair
    1. 2008 Flow Meter Report
    2. Review Fall 2008 Ground Water Level Observation Program Data
    3. \*Discussion and Action on Corrective Action Plan Proposed by the Kielian Family Residuary Trust after Consultation with SPNRD Staff and Possible Reduction of Future Allocations
    4. \*Discussion and Action on Bruce Nienhueser's Applications for a Permit to Transfer Ground Water to an Adjoining State and for an Amended Industrial Ground Water Transfer Permit
    5. \*Action to Appoint New Member(s) to the SPNRD Allocations Subcommittee
    6. Preliminary Discussion Regarding Setting Allocation(s) within the Lodgepole Creek Subareas for the New 2010 through 2012 Allocation Period
    7. \*Authorization to Implement Water Management Alternatives at Oliver Reservoir
  - B. District Operations Committee - Johnson, Chair
    1. \*Six-Month Performance Appraisal and Salary Review for Jane Joyce, Field Office Secretary
    2. Discuss Oliver Reservoir Lease Issues
    3. \*Proposed Amendment to the Community Forestry Program
    4. \*Discussion and Action as Desired on Proposed Analysis of Economic Impact of the District's IMP and Districtwide Ground Water Management Area Rules and Regulations
    5. \*Action on Request to Sponsor a Scholarship to the No-Till on the Plains Winter Conference
10. Final 2008 SPNRD Chemigation Program Report - Wittrock
11. Special Recognition - Cheryl Burkhart-Kriesel, Vice-Chair
12. Correspondence
13. Upcoming Dates
  - A. SPNRD Christmas Luncheon, Lodgepole Valley Youth Camp - December 12, 2008
  - B. SPNRD Office Closed, Christmas - December 25, 2008
  - C. SPNRD Office Closed, New Years Day - January 1, 2009
  - D. SPNRD Board Meeting - January 13, 2009 at 7:00 p.m.
  - E. Four States Irrigation Council 56<sup>th</sup> Annual Meeting, Hilton Fort Collins, Fort Collins, CO - January 14-16, 2009
  - F. NARD Legislative Conference, Lincoln, NE - January 27-28, 2009
  - G. Annual Washington D.C. Conference, Embassy Suites, Washington D.C. - March 21-25, 2009
14. Adjourn

\*Denotes Action Items

## MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Tuesday, December 9, 2008, at the Western Nebraska Community College, Room #115, Sidney, Nebraska, at 7:00 p.m. The public notices were published in the Sidney, Chappell and Kimball newspapers. The agenda was compiled and each member of the Board of Directors and other interested and affected persons were notified of the meeting date within the deadline.

### Board Members Present

Cheryl Burkhart-Kriesel, Vice-Chair	Jim Johnson
Tom Biggs, Secretary	Larry Rutt
Paul Hutchison	

### Board Members Absent

Keith Rexroth, Chair (excused)	Deb Crago (excused)
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### Others Present

Bill Halligan, Director elect; Rob Rauner, Jr., Rauner & Associates, P.C.; Jared Abraham, USGS; Jim Cannia; USGS

### NRD Staff Present

Rod L. Horn, General Manager	Linda L. Suhr, Admin. Sec. /Bookkeeper
Galen Wittrock, Assistant Manager	Travis Glanz, Water Resources Technician
Kyle Liebig, Water Resources Coordinator	Chris Kaiser, Natural Resources Coordinator

## INFORMATIONAL MATERIAL

The following information was mailed prior to the board meeting or made available at the meeting:

1. Tentative and Final Agendas, December 9, 2008 meeting of the SPNRD Board of Directors
2. Tentative and Final Agendas, December 8, 2008 meeting of the Natural Resources/Projects and Programs Committee
3. Tentative and Final Agendas, December 9, 2008 meeting of the District Operations Committee
4. Minutes of the November 12, 2008 meeting of the SPNRD Board of Directors
5. Minutes of the November 12, 2008 meeting of the District Operations Committee
6. Minutes of the November 10, 2008 meeting of the Natural Resources/Projects and Programs Committee
7. November 2008 Treasurer's Report and Accounts Payable
8. December 1, 2008 Manager's Letter and attached map for meeting location at WNCC
9. Linda L. Suhr, Administrative Secretary's Report for November 2008; Jodi Livingstone, District Secretary's Report for November 2008
10. Allocation Subcommittee Information and Time Line
11. FY2008 Audit Report, prepared by Rauner & Associates, P.C.
12. NRCS monthly report to the SPNRD, November 2008
13. SPNRD 2008 Chemigation Program Report
14. SPNRD Rainfall Amounts, March 1 - October 31, 2008
15. 2008 Flow Meter Report

16. Fall 2008 Ground Water Level Report
17. SPNRD Community Forest Program amendment
18. Draft letter to Tracy Zayac Re: Bruce Nienhuesers Applications and attached information
19. Kielian Family Residuary Trust violation information
20. Oliver Reservoir Lease Agreement Proposal information prepared by Galen Wittrock including Game and Parks Commission income and expense for 2006, 2007, and 2008
21. Oliver Reservoir Hydrology & Hydrogeology Study Executive Summary, March 2003 prepared by Olsson Associates
22. University of Nebraska Proposal, "Analysis of the Economic Impact of the SPNRD's Integrated Management Plan"
23. Resolution re: Deb Crago
24. November 30, 2008 Status Report of Groundwater Modeling Support for the Nebraska Cooperative Hydrology Study, prepared by High Plains Hydrology, LLC
25. 2009 NARD Legislative Conference, Tentative Agenda
26. News report, "High Stakes Water Fight before Neb. High Court" by Nate Jenkins
27. Per Diem/Expense sheet

### BOARD MEETING

1. Call to Order

Vice-Chair, Burkhart-Kriesel convened the meeting at 7:04 p.m. Rexroth and Crago were absent and excused.

A. Nebraska Open Meetings Act

Vice-Chair, Burkhart-Kriesel stated for the record that a copy of the Nebraska Open Meetings Law is displayed in the meeting room.

B. Legal Notices

Vice-Chair, Burkhart-Kriesel stated for the record that the meeting affidavits of publication are included with these minutes.

2. Minutes

A. Minutes of the November 12, 2008 meeting of the Board of Directors

These minutes were approved as presented.

B. Minutes of the November 12, 2008 meeting of the District Operations Committee

These minutes were approved as presented.

C. Minutes of the November 10, 2008 meeting of the Natural Resources/Projects and Programs Committee

These minutes were approved as presented.

3. \*Treasurer's Report November 2008 and Accounts Payable

Manager and Treasurer Rod Horn encouraged the board to review the Treasurer's Report and to address any questions. Account balances for SPNRD accounts are as follows:

<u>Account</u>	<u>11/1/08</u>	<u>11/30/08</u>
SPNRD Checking	\$ 424,873.32	\$ 378,815.07
Citizens' Monitoring - combined	\$ 14,225.41	\$ 21,241.43
NPAIT-LPCSI-EQIP	\$ 228,253.36	\$ 228,456.66

Investment accounts were reviewed. The accounts payable were presented in the amount of \$ 111,188.78. Horn reviewed several items. After discussion Hutchison moved and Johnson seconded the motion to approve the November Treasurer's Report and to approve and pay the Accounts Payable. A roll call vote was taken.

Aye: Johnson, Burkhart-Kriesel, Hutchison, Biggs, Rutt  
Nay: None  
Absent: Rexroth, Crago  
Motion Carried.

4. Public Questions, Comments and/or Concerns  
None

5. \*Fiscal Year 2008 Audit Report - Rauner & Associates, P.C.  
Rob Rauner, Rauner & Associates, P.C., highlighted items from the audit and reported a clean opinion concerning the FY2008 SPNRD audit. After discussion, it was moved by Johnson and seconded by Rutt to approve the FY2008 Audit Report. A roll call vote was taken.

Aye: Burkhart-Kriesel, Hutchison, Biggs, Rutt, Johnson  
Nay: None  
Absent: Rexroth, Crago  
Motion Carried.

6. Update on the HEM (Aerial Geophysical) Survey  
Jim Cannia and Jared Abraham, USGS, presented an interim progress report on the aerial geophysical survey conducted in June for the Lodgepole Creek area of the SPNRD. Information from the survey is useful for the COHYST modelers and for decision making processes of the SPNRD board. Abraham stressed that the aerial geophysical information is used in conjunction with hydrology and geology to create an end product. This three-year project, funded by SPNRD, NPNRD, the Nebraska Environmental Trust and USGS, collects data during the first two years with the third year devoted to report writing. Future flights could provide data on the Paleochannels under the District's tablelands.

7. Director and Staff Reports  
Kaiser, Liebig, Glanz, Wittrock and Horn gave oral reports. Suhr and Livingstone submitted written reports.

Kaiser read flow meters, serviced vehicles, compiled the water level report and did a nitrogen mailing. Liebig worked on pooling agreements and variances for the upcoming Variance Advisory Group meeting. He defined tracts. He and Livingstone attend a data base management meeting for municipal accounting in North Platte. He also attended a water meeting in Kearney, worked on the water level report and the flow meter report. Glanz worked on the flow meter report, GPSed Nienhueser's flow meter and took photos. He worked on flow meter cost-share and other flow meter issues. Wittrock worked on the SPNRD Conservation Tree Program, worked with Todd Nordeen, Nebraska Game and Parks Commission, regarding the Wildlife Management Areas. He plans to meet with a landowner in Deuel County to work on an easement for the Bittersweet WMA. There is one informal sediment-erosion complaint. He is working with the two landowners involved as well as NRCS. Regarding the fabric weed barrier issue, he showed the board a tool to cut the holes larger around the trees. He will look into a grant for cost-share to producers to

cut the holes larger. He also reported that South Dakota Conservation District invited him to their state meeting to give a presentation on the girdling issue. Jim Young, Kimball County, is planning to remove a large amount of his weed barrier with the tractor method that was demonstrated during the SPNRD weed barrier workshop in the fall. Horn reported that the final report was submitted to the Nebraska Environmental Trust for the Evaluation of the Source Water near Sidney. He is planning to attend the South Platte River Compact Coalition Committee meeting on December 10, 2008. He was involved with the No-till conference in November in Gering. The building project is coming along. Total completion is set for the end of December. He also worked on the MD&A (management decision and analysis) for the audit.

## 8. Agency Reports

### A. USDA/Natural Resources Conservation Service (NRCS)

#### 1. NRCS Report

Kristin Miller was absent, but her written report was distributed to the directors.

### B. Nebraska Association of Resources Districts (NARD)

#### 1. NARD Report

Johnson reported that he attended the last board meeting in Valentine.

#### 2. NARD 2009 Legislative Conference, January 26-28, 2009, Lincoln, NE

Johnson gave a brief report concerning the upcoming Legislative Conference. He reported that there are so many new legislators, it will be important for them to be educated about NRDs.

#### 3. \*Voting Delegate and Alternate for 2009 NARD Legislative Conference

Hutchison moved and Biggs seconded the motion to appoint Johnson as Delegate and Rutt as Alternate for the 2009 NARD Legislative Conference. A roll call vote was taken.

Aye: Hutchison, Biggs, Rutt, Johnson, Burkhart-Kriesel

Nay: None

Absent: Rexroth, Crago

Motion Carried.

### C. Panhandle RC& D

#### 1. PRC&D Report

Burkhart-Kriesel reported that the PRC&D received the outstanding council award in the State of Nebraska. The RC&D worked to put on the No-Till Conference. The next meeting will be the January Regional meeting.

### D. Nebraska Department of Natural Resources (NDNR)

#### 1. NDNR Report

Rexroth was absent.

## 9. Committee Reports

### A. Natural Resources /Projects & Programs Committee

#### 1. 2008 Flow Meter Report

Liebig reviewed the 2008 flow meter report. Discussion followed.

#### 2. Review Fall 2008 Ground Water Level Observation Program Data

Kaiser gave a power point presentation and an overview of the ground water levels across the District.

3. \*Discussion and Action on Corrective Action Plan Proposed by the Kielian Family Residuary Trust after Consultation with SPNRD Staff and Possible Reduction of Future Allocations

As of the date of this meeting no proposed Corrective Action Plan was received from the Kielians, so no action was taken. The last day for them to submit their corrective action plan is December 11, 2008. Discussion was held about the matter.

4. \*Discussion and Action on Bruce Nienhueser's Applications for a Permit to Transfer Ground Water to an Adjoining State and for an Amended Industrial Ground Water Transfer Permit

Hutchison reported that the committee reviewed Bruce Nienhueser's applications for a transfer permit over state line and an industrial permit amendment. Horn prepared a draft letter to Tracy Zayac. Because the land is now under allocation the committee requests that the water that is sold be subtracted from Nienhueser's allocation. Hutchison moved on behalf of committee and Biggs seconded the motion to accept the draft to Tracy Zayac and fill in Nebraska's forms using the information in the draft. Discussion followed. A roll call vote was taken.

Aye: Biggs, Rutt, Johnson, Burkhart-Kriesel, Hutchison

Nay: None

Absent: Rexroth, Crago

Motion Carried.

5. \*Action to Appoint New Member(s) to the SPNRD Allocations Subcommittee

The committee reviewed possible candidates for the allocation subcommittee and recommended three names for the board to choose from to appoint a new member to the SPNRD allocations subcommittee: David L. Johnson (near Sunol); Tim Peetz (near Sidney); or Ron Vetter (near Chappell). This action was necessary because of the death of Larry Glassburn. After discussion, Hutchison moved and Rutt seconded the motion to appoint David L. Johnson to serve on the allocation subcommittee, if he declines, Tim Peetz, and if he declines, Ron Vetter. A roll call vote was taken.

Aye: Rutt, Johnson, Burkhart-Kriesel, Hutchison, Biggs

Nay: None

Absent: Rexroth, Crago

Motion Carried.

6. Preliminary Discussion Regarding Setting Allocation(s) within the Lodgepole Creek Subareas for the New 2010 through 2012 Allocation Period

Hutchison and the committee discussed the importance of presenting the ground water level information and the flow meter information to the allocation subcommittee. They also discussed presentations by such people as Dr. Gary Hergert to discuss the subject matter of crop irrigation requirements.

7. \*Authorization to Implement Water Management Alternatives at Oliver Reservoir  
Hutchison reported that a well-attended meeting was held in Kimball on December 1, 2008 concerning Oliver Reservoir. After discussion, no action was taken on this agenda item, pending further meetings with those interested in Oliver Reservoir.

B. District Operations Committee

1. \*Six-Month Performance Appraisal and Salary Review for Jane Joyce, Field Office Secretary

Johnson moved and Biggs seconded the motion to recommend approval of the updated salary pay range value, and approve the salary adjustment made according to the Salary Grade and Pay Range Schedule provided by the manager. A roll call vote was taken.

Aye: Johnson, Burkhart-Kriesel, Hutchison, Biggs, Rutt

Nay: None

Absent: Rexroth, Crago

Motion Carried.

2. Discuss Oliver Reservoir Lease Issues

Johnson reported that Wittrock brought information to the committee meeting for review. He is hoping to have a final set of figures for the board to review in February 2009.

3. \*Proposed Amendment to the Community Forestry Program

Johnson moved and Hutchison seconded the motion to approve the amendment to the Community Forestry Program. A roll call vote was taken.

Aye: Burkhart-Kriesel, Hutchison, Biggs, Rutt, Johnson

Nay: None

Absent: Rexroth, Crago

Motion Carried.

4. \*Discussion and Action as Desired on Proposed Analysis of Economic Impact of the District's IMP and Districtwide Ground Water Management Area Rules and Regulations

Johnson explained it is important to know what the economic impact, internally (for management purposes) and externally. The cost for the proposed study is \$10,000. Hutchison questioned why the economic study wasn't done before forming the IMP. Horn felt it was still appropriate for the level the IMP is at. Hutchison questioned what if the study shows that what the IMP proposes is detrimental to the economy, and then what will the SPNRD do? Hutchison also asked if there would be \$10,000 worth of value from the study. Horn said there was a study done on the Republican Basin and he will provide copies to the board. Burkhart-Kriesel added that information about how the Republican Basin NRDs used the study and how it had value to them, would also aid in a decision. A motion with a second was made, but each rescinded their motion and second after discussion. No action was taken on this agenda item.

5. \*Action on Request to Sponsor a Scholarship to the No-Till on the Plains Winter Conference

A request was made from Mark Watson to sponsor a \$150 scholarship (to a cooperator in the SPNRD drawn at random from those attending no-till conferences in the SPNRD) to the No-Till on the Plains Winter Conference in Salina, KS, January 27-28, 2009. Motion by Johnson, second by Biggs to approve a \$150 scholarship to the No-Till on the Plains Winter Conference. A roll call vote was taken.

Aye: Biggs, Rutt, Johnson, Burkhart-Kriesel, Hutchison  
Nay: None  
Absent: Rexroth, Crago  
Motion Carried.

10. 2008 SPNRD Chemigation Program Report

Wittrock reviewed the 2008 SPNRD Chemigation Program information. Three hundred thirty-four permits were issued. There were 73 new permits and 261 renewal permits. Four systems were suspended. A net loss of \$7,086.67 was reported.

11. Special Recognition

Vice-Chair Burkhart-Kriesel read into the record a Resolution, acknowledging Deb Crago for her service as a Director in the SPNRD. Motion by Biggs, second by Rutt to approve the resolution. A roll call vote was taken.

Aye: Rutt, Johnson, Burkhart-Kriesel, Hutchison, Biggs  
Nay: None  
Absent: Rexroth, Crago  
Motion Carried.

12. Correspondence

Horn urged the board to read correspondence included in the handout material

13. Upcoming Dates

- A. SPNRD Christmas Luncheon, Lodgepole Valley Youth Camp - December 12, 2008
- B. SPNRD Office Closed, Christmas - December 25, 2008
- C. SPNRD Office Closed, New Years Day - January 1, 2009
- D. SPNRD Board Meeting - January 13, 2009 at 7:00 p.m.
- E. Four States Irrigation Council 56<sup>th</sup> Annual Meeting, Hilton Fort Collins, Fort Collins, CO - January 14-16, 2009
- F. NARD Legislative Conference, Lincoln, NE - January 27-28, 2009
- G. Annual Washington D.C. Conference, Embassy Suites, Washington D.C. - March 21-25, 2009

14. Adjourn

With no further action, the meeting was adjourned at 10:52 p.m.

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Linda L. Suhr, Recording Secretary

\*Denotes Action Taken